



SF 2116 – Controlled Substances Schedules (LSB5151SV)
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 Fiscal Note Version – As passed by the Senate

Description

Senate File 2116, as passed by the Senate, defines imitation controlled substances and provides penalties. The controlled substances list is modified to include new synthetic drug products.

Background

Synthetic drug products (marketed under various names) are man-made chemicals marketed as a “legal” high. Synthetic cannabinoids are applied to plant materials to simulate marijuana. Synthetic cathinones are man-made chemicals related to amphetamines. The contents and effects of synthetic cannabinoids and cathinones are unpredictable due to constantly changing chemicals used in the manufacturing processes that are without quality controls and government regulatory oversight. The chemical compositions are constantly changing to avoid newly enacted laws to place the products on the scheduled lists of controlled substances. Currently, if the Pharmacy Board designates a new substance as controlled, the General Assembly has 60 days upon convening to make corresponding changes in Iowa Code [chapter 124](#) or the temporary designation is nullified.

Nationwide, in calendar year 2012, 51 new synthetic cannabinoids were identified, 31 new cathinones were identified, and 76 other synthetic compounds were identified for a total of 158 new synthetic drug products entering the marketplace. Side effects of synthetic drugs can include severe agitation and anxiety, nausea, vomiting, tachycardia, elevated blood pressure, tremors and seizures, hallucinations, dilated pupils, suicidal and harmful thoughts/actions, chest pain, extreme paranoia, hallucinations, delusions, and violent behavior.

Correctional Information

The bill identifies new synthetic drug products to add to the controlled substances list, and does not make any changes to the current penalties.

- The table below shows the FY 2010-2015 convictions for imitation controlled substances, according to the Justice Data Warehouse:

Offense Class	FY 2010-2014 Convictions
Serious Misdemeanor	1
Aggravated Misdemeanor	23
Total Convictions	24

- The overall conviction rate is 23.5%.

Minority Data Information

The table on the following page shows the FY 2010-2015 offender-based convictions for imitation controlled substances, by race/ethnicity, according to the Justice Data Warehouse. Data was available for 15 of the 24 convictions recorded.

Conviction Offense Class	White	Black	Other
Serious Misdemeanor	100.0%	0.0%	0.0%
Aggravated Misdemeanor	71.4%	21.4%	7.1%
Total Convictions	73.3%	20.0%	6.7%

Refer to the Legislative Services Agency (LSA) [Minority Impact Statements Memo](#) dated January 26, 2016, for information related to minorities in the criminal justice system.

Assumptions

- Conviction and sentencing patterns will not change, for an average of four convictions a year. While the conviction rate may increase with an expansion of the controlled substances list, past experience shows that drug manufacturers will stop making those synthetic drugs whose formulas have been made illegal and develop new formulas to avoid the law.
- The impact on minorities will remain consistent with current data.
- The average state cost for one Class C felony conviction ranges from \$7,800 to \$18,400. The average state cost for one Class B felony conviction ranges from \$9,600 to \$34,800. The LSA [Correctional Impact Statements Memo](#) dated February 18, 2016, contains additional information.

Summary of Impacts

Minority Impact: To the extent convictions occur under the provisions of the bill, there will be a minority impact, specifically on Blacks. Blacks represent approximately 3.3% of the Iowa population, but represent approximately 20.0% of the convictions impacted under this bill.

Correctional Impact: The correctional impact is expected to be minimal due to the low number of convictions under current law.

Fiscal Impact: The additional cost for enforcement and regulation by law enforcement agencies at the state and local level is expected to be minimal. The current maximum fiscal impact to the state of Iowa is estimated to be \$139,200 per year (average of four convictions at the maximum Class B felony conviction cost of \$34,800). This bill may increase the conviction rate, but that is not possible to estimate at this time.

Sources

Office of National Drug Control Policy
 Department of Public Safety
 State Court Administrator's Office
 Criminal Justice and Juvenile Planning Board

/s/ Holly M. Lyons

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
